



December 6, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of Ex Parte Presentations in MB Docket No. 11-93
Implementation of the Commercial Advertisement Loudness Mitigation
(CALM) Act

Dear Ms. Dortch:

On December 5, 2011, Jane Mago and Valerie Schulte of the National Association of Broadcasters (NAB) met separately with Erin McGrath of Commissioner McDowell's office, Dave Grimaldi of Commissioner Clyburn's office and Josh Cinelli of Commissioner Copps' office to discuss Commission rules for compliance with the Commercial Advertisement Loudness Mitigation Act (CALM Act). On the same date, we also spoke by telephone with Eloise Gore of the Commission's Enforcement Bureau.

During the meetings with the Commissioners' advisors, we discussed various aspects of compliance by broadcasters with the CALM Act and new Commission rules. Specifically, we talked about the use of certifications from networks and program providers that the loudness of their programs complies with ATSC A/85 and of annual spot checks of programming from providers of non-certified programming for A/85 compliance. We also discussed Commission enforcement of CALM Act rules and broadcaster testing of upstream provider programming where there has been a pattern or trend of complaints about loudness in their

1771 N Street NW
Washington DC 20036 2800
Phone 202 429 5300

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programs. In this and other regards, we emphasized that flexibility should be accorded to smaller broadcast stations, which have less staff and resources.

We indicated that the approach the Commission is considering, as we understand it, seems to achieve the goals of the CALM Act while considering the program distribution process and the situations of large and small broadcasters.

During these meetings, we specifically inquired about political candidate advertising with regard to CALM Act compliance and the no censorship provision of section 315 of the Communications Act. On the follow-up phone conference of December 5 with Ms. Gore, we mentioned that broadcast stations may need to adjust the audio level of some advertising by political candidates to conform to the provisions of ATSC A/85 and the Commission's CALM Act rules. We urged that the Commission specifically address this situation in its Report and Order implementing the CALM Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Valerie Schulte", written in a cursive style.

Valerie Schulte
Deputy General Counsel
Legal and Regulatory Affairs

Cc: Erin McGrath
Dave Grimaldi
Josh Cinelli
Eloise Gore